

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

---

ANN B. TRIBBEY, *et al.*,

Plaintiffs,

v.

NEW YORK LIFE INSURANCE CO.,

Defendant.

---

Case No. 3:07cv220

NEW YORK LIFE INSURANCE  
& ANNUITY CORP.,

Counterclaimant,

v.

ANN B. TRIBBEY, *et al.*,

Counterdefendants.

---

RESPONSE TO MOTION FOR ANN B. TRIBBEY TO APPROVE SETTLEMENT  
AGREEMENT ON BEHALF OF RACHAEL L. WASHINGTON, MINOR, OR  
TO APPOINT GUARDIAN TO APPROVE SETTLEMENT AGREEMENT

Defendant New York Life Insurance Company ("NYLIC") and Counterclaimant New York Life Insurance and Annuity Corporation ("NYLIAC"), collectively, "New York Life," by counsel, do not oppose the Motion for Ann B. Tribbey to Approve Settlement Agreement on Behalf of Rachael L. Washington, Minor, or to Appoint a Guardian to Approve Settlement Agreement on Behalf of Rachael L. Washington, Minor, which was filed with the Court on December 11, 2007, by Plaintiffs/Counterdefendants.

New York Life requests that the Court rule on this motion without an oral hearing, pursuant to Rule 78(b) of the Federal Rules of Civil Procedure and Local Civil Rule 7(J).

Dated: December 13, 2007

Respectfully submitted,

HOLLAND & KNIGHT LLP

/s/

---

John P. Rowley III, VSB No. 19804

Jennifer E. Dure, VSB No. 48247

1600 Tysons Blvd., Suite 700

McLean, VA 22102

703-720-8600

720-720-8610 (Facsimile)

john.rowley@hklaw.com

jennifer.dure@hklaw.com

Counsel for Defendant

New York Life Insurance Company and

Counterclaimant New York Life Insurance

and Annuity Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of December, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF), to the following:

Charles J. McCall, Esq.  
P.O. Box 2131  
Midlothian, Virginia 23113  
cjmwortraveler@aol.com

\_\_\_\_\_  
/s/  
Jennifer E. Dure  
1600 Tysons Blvd., Suite 700  
McLean, VA 22102  
703-720-8600  
720-720-8610 (Facsimile)  
jennifer.dure@hklaw.com

Counsel for Defendant  
New York Life Insurance Company and  
Counterclaimant New York Life Insurance  
and Annuity Corporation